

The Commonwealth of Massachusetts
PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION
John W. McCormack Building, Room 1101
Boston, Massachusetts 02108
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POLICY NO: 97 - 005

Emergency Regulations

The Public Employee Retirement Administration Commission (Commission) must perform its oversight and management of affairs in an efficient and effective manner compliant with Commonwealth laws, regulations and generally accepted operating procedures consistent with the public purpose for the Commission's creation. The Commission therefor establishes this policy to further its efforts in providing the appropriate level of authority and responsibility over the staff and issues coming before it.

The Commission recognizes that there will be times where the Commission must deal with an issue in an expeditious manner and as such must develop a regulation in a manner that does not allow for the time required by Commonwealth law or regulations. While these occurrences will be the exception, the Commission hereby establishes this procedure to formalize the process it will use in these situations.

If the Commission finds that immediate adoption, amendment or repeal of a regulation is necessary for the preservation of the public health, safety or general welfare, and that observance of the requirements of notice and a public hearing would be contrary to the public interest, emergency regulations may be developed by the Commission under the following conditions and protocols.

- 1) The Executive Director or a Commissioner determines that an emergency exists and reports the emergency to the Executive Director.

The Executive Director will make a finding of fact and following, arrange for a meeting of the appropriate sub-committee to review the issue, with proper public notice being given.

- 2) Upon a concurrence by the sub-committee, the Executive Director will arrange for a meeting of the full Commission, with proper public notice, to discuss the issue and review draft emergency regulations. The draft regulations will include the finding of fact and a brief statement of the reasons for the finding. The meeting will include telephonic participation for those commissioners who may have other commitments.

- 3) Upon adoption of the emergency regulation by the Commission, it will be published in the Massachusetts Register and becomes effective.
- 4) The emergency regulation will remain in effect for 90 days. During this time, if the regulation is intended to become a permanent regulation, the staff will comply with the normal regulation notice, filing and hearing requirements as defined in **PERAC Policy No. 97-004**, for adoption of the final regulation with an effective date retroactive to the date the emergency regulation was adopted.

Adopted at the Commission meeting on May 27, 1997.